



Journal of the Senate

Number 1—Special Session B

Monday, September 21, 1987

At a Special Session of the Florida Legislature convened under Section 3(c), Article III, of the Constitution of the State, as revised in 1968, and Section 11.011, Florida Statutes, begun and held at the Capitol, in the City of Tallahassee, in the State of Florida.

CALL TO ORDER

The Senate was called to order by the President at 9:24 a.m. A quorum present—40:

| | | | |
|-----------------|---------------|-------------|--------------|
| Mr. President | Frank | Johnson | Peterson |
| Barron | Girardeau | Kirkpatrick | Plummer |
| Beard | Gordon | Kiser | Ros-Lehtinen |
| Brown | Grant | Langley | Scott |
| Childers, D. | Grizzle | Lehtinen | Stuart |
| Childers, W. D. | Hair | Malchon | Thomas |
| Crawford | Hill | Margolis | Thurman |
| Crenshaw | Hollingsworth | McPherson | Weinstein |
| Deratany | Jenne | Meek | Weinstock |
| Dudley | Jennings | Myers | Woodson |

PRAYER

The following prayer was offered by Senator Peterson:

I will read from the Psalms of David, part of the 39th Psalm.

"I said, 'I will watch my ways
That I may not sin with my tongue;
I will put a muzzle on my mouth,
As long as the wicked is before me.'
I was dumb with silence;
I refrained from good,
And my pain was aroused.
My heart burned within me;
While I meditated, a fire kindled.
I spoke with my tongue:
'O Lord, teach me my end,
And what is the extent of my days;
Let me know how I shall end.
Lo thou hast fixed my days but as handbreadths,
And my lifetime is as nothing before thee;
As a mere breath every man stands.
As but a shadow a man walks;
As but a breath he bestirs himself;
He heaps up and knows not who will gather it in.'"

Amen.

PLEDGE

The Senate pledged allegiance to the flag of the United States of America.

By direction of the President, the Proclamation of the Governor convening the Legislature in Special Session was read by the Secretary:

PROCLAMATION
State of Florida
Executive Department
Tallahassee

TO THE HONORABLE MEMBERS OF THE FLORIDA SENATE
AND THE HOUSE OF REPRESENTATIVES:

WHEREAS, the Tenth Legislature of the State of Florida, under the Florida Constitution, 1968, Revision, convened in regular session for the year 1987 on April 7, 1987, and adjourned on June 6, 1987, and

WHEREAS, the Tenth Legislature of the State of Florida, while convened in regular session for the year 1987, passed and the Governor signed Committee Substitute for Senate Bill 777, which imposed a general tax on the sale and use of services consumed or enjoyed in the state, and

WHEREAS, on May 12, 1987, the Governor requested that the Supreme Court of Florida advise him on the constitutionality of Committee Substitute for Senate Bill 777, and

WHEREAS, on July 14, 1987, the Supreme Court of Florida advised the Governor that Committee Substitute for Senate Bill 777 does not violate any provision of the Florida Constitution, and

WHEREAS, there is nevertheless widespread public controversy with respect to the imposition, administration, and economic effect of the general tax on the sale and use of services consumed or enjoyed in the state, and

WHEREAS, public confidence in the tax policy of the state is essential if the commonly shared goals of improved public works, public health, public safety, and public education in the state are to be achieved, and

WHEREAS, action by the Legislature with respect to the general tax on the sale and use of services consumed or enjoyed in the state is required in order to restore the confidence of the public in the tax policy of the state.

NOW, THEREFORE, I, BOB MARTINEZ, Governor of the State of Florida, in obedience to my constitutional duty and by virtue of the power (sic) authority vested in me by Article III, Section 3(c)(1), Florida Constitution, do hereby proclaim as follows:

1. That the Legislature of the State of Florida is hereby convened in special session at the Capitol, Tallahassee, Florida, commencing at approximately 9:00 a.m. on Monday, the 21st day of September, 1987, and ending at noon on Wednesday, the 23rd of September, 1987.

2. That the Legislature is convened for the purpose of considering such action with respect to the recently enacted general tax on the sale or use of services consumed or enjoyed in the state as may be appropriate under the circumstances.



IN TESTIMONY WHEREOF, I have hereunto set my hand and caused the Great Seal of the State of Florida to be affixed to this proclamation convening the Legislature in special session at the Capitol this 3rd day of September, 1987.

Bob Martinez
GOVERNOR

TEST: (sic)
Jim Smith
SECRETARY OF STATE

INTRODUCTION AND REFERENCE OF BILLS

First Reading

By Senators Stuart and Weinstein—

SB 1-B—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; redefining the term "service" to exclude services of independent brokers of tangible personal property; amending s. 212.0592, F.S., relating to exemptions from the tax on services; redefining the term "qualified motion picture" to provide an

exemption for motion pictures made for commercial purposes; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Malchon—

SJR 2-B—A joint resolution proposing an amendment to Section 5, Article VII of the State Constitution, relating to estate, inheritance, and income taxes, to remove the prohibition against income taxes on natural persons, and proposing the addition of Section 17, Article VII of the State Constitution, to prohibit sales and use taxes on professional and other services not taxed on June 5, 1986.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Malchon—

SB 3-B—A bill to be entitled An act relating to a special election to be held on March 8, 1988, pursuant to Section 5 of Article XI of the State Constitution for the approval or rejection by the electors of Florida of a joint resolution amending Section 5 of Article VII of the State Constitution, relating to income taxes on the income of natural persons, and adding Section 17 of Article VII of the State Constitution relating to sales and use taxes on services; providing for publication of notice and for procedures; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Rules and Calendar.

By Senator Weinstein—

SB 4-B—A bill to be entitled An act relating to sales tax; amending ss. 212.02, 212.03, 212.031, 212.04, 212.05, 212.054, 212.055, 212.06, 212.07, 212.08, 212.095, 212.11, 212.12, 212.13, 212.14, 212.17, 212.18, 212.21, 212.61, 57.111, 120.57, F.S.; repealing ss. 212.059, 212.0591, 212.0592, 212.0593, 212.0594, 212.0595, 212.0598, 57.071(3), 120.575(1)(b), 120.65(5), F.S.; amending s. 32, ch. 87-86, Laws of Florida, as amended; repealing ss. 31, 37, 47, ch. 87-6, Laws of Florida, as amended; repealing the sales tax on services and conforming various statutes to that repeal; increasing the tax on transient rentals, the lease or rental of or license in real property, admissions, and sales, storage, and use; providing for retention of records relating to the sales tax on services for a certain period; saving certain actions from abatement; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Deratany—

SB 5-B—A bill to be entitled An act relating to the tax on sales, use, and other transactions; amending s. 212.02, F.S.; amending the definitions of "retail sale" and "sales price"; amending s. 212.055, F.S.; revising population criteria for imposing the local option sales tax; amending s. 212.059, F.S.; providing special rules for services of sales representatives or brokers; amending s. 212.0593, F.S.; providing for liability in preparing or refusing to prepare exempt purchase affidavits; amending s. 212.0594, F.S.; authorizing earlier use of an alternative method of computing the tax on construction services; amending s. 212.06, F.S.; defining the term "dealer" for real estate services purposes; amending s. 212.07, F.S.; imposing liability for the sales and use tax under certain circumstances; amending s. 212.11, F.S.; revising certain criteria for quarterly returns on services sales; amending s. 33 of ch. 87-6, Laws of Florida, as amended; revising criteria for emergency rules of the Department of Revenue; amending s. 36 of ch. 87-6, Laws of Florida, as amended; extending the period during which interest and penalties related to the services tax may be waived; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Deratany—

SB 6-B—A bill to be entitled An act relating to taxation; amending ss. 212.02, 212.03, 212.031, 212.04, 212.05, 212.054, 212.055, 212.0598, 212.06, 212.07, 212.08, 212.095, 212.11, 212.12, 212.13, 212.14, 212.17, 212.18, 212.21, 212.61, 57.111, 120.57, F.S.; repealing ss. 212.059, 212.0591, 212.0592, 212.0593, 212.0594, 212.0595, 57.071(3), 120.575(1)(b), 120.65(5), F.S.; amending s. 32, ch. 87-86, Laws of Florida, as amended; repealing ss. 31, 37, 47, ch. 87-6, Laws of Florida, as amended; repealing

the sales tax on services and conforming various statutes to that repeal; providing exemptions from the tax on sales, use, and other transactions; increasing the tax on transient rentals, the lease or rental of or license in real property, admissions, and sales, storage, and use; providing for retention of records relating to the sales tax on services for a certain period; amending s. 240.533, F.S.; requiring an amount equal to lost sales tax revenue to be used by certain educational institutions for women's athletics; amending s. 288.385, F.S.; providing tax exemptions for certain currency and barter exchanges; amending ss. 201.02, 201.15, 215.32, F.S.; repealing the increase in the documentary stamp tax and providing for redistribution of tax proceeds; repealing ss. 206.87(1)(b), 206.875(3), F.S.; repealing the increase in diesel fuel taxes; amending s. 207.026, F.S.; providing for redistribution of taxes; providing for application of the additional sales or use tax to certain utility services; providing transition rules for the repeal of the services tax; providing for refund of additional taxes paid by certain contractors; providing penalties; saving certain actions from abatement; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Deratany—

SB 7-B—A bill to be entitled An act relating to taxation; amending ss. 212.02, 212.031, 212.04, 212.05, 212.054, 212.0598, 212.06, 212.07, 212.08, 212.095, 212.11, 212.12, 212.13, 212.14, 212.17, 212.18, 212.21, 212.61, 57.111, 120.57, F.S.; repealing ss. 212.059, 212.0591, 212.0592, 212.0593, 212.0594, 212.0595, 212.0598, 57.071(3), 120.575(1)(b), 120.65(5), F.S.; amending s. 32, ch. 87-86, Laws of Florida, as amended; repealing ss. 31, 37, 47, ch. 87-6, Laws of Florida, as amended; repealing the sales tax on services and conforming various statutes to that repeal; providing tax exemptions; providing for retention of records relating to the sales tax on services for a certain period; amending s. 240.533, F.S.; requiring certain educational institutions to expend an amount equal to lost sales tax revenue on women's athletics; amending s. 288.385, F.S.; providing tax exemptions for certain currency and barter exchanges; repealing s. 212.235, F.S.; abolishing the State Infrastructure Fund; amending ss. 201.02, 201.15, F.S.; repealing the increase in the documentary stamp tax and providing for redistribution of tax proceeds; repealing ss. 206.87(1)(b), 206.875(3), F.S.; repealing the increase in the diesel fuel tax; amending ss. 207.026, 215.32, F.S.; providing for deposit of state revenues; saving certain actions from abatement; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Deratany—

SB 8-B—A bill to be entitled An act relating to taxation; amending ss. 212.02, 212.03, 212.031, 212.04, 212.05, 212.054, 212.055, 212.0598, 212.06, 212.07, 212.08, 212.095, 212.11, 212.12, 212.13, 212.14, 212.17, 212.18, 212.21, 212.61, 57.111, 120.57, F.S.; repealing ss. 212.059, 212.0591, 212.0592, 212.0593, 212.0594, 212.0595, 57.071(3), 120.575(1)(b), 120.65(5), F.S.; amending s. 32, ch. 87-86, Laws of Florida, as amended; repealing ss. 31, 37, 47, ch. 87-6, Laws of Florida, as amended; repealing the sales tax on services and conforming various statutes to that repeal; providing exemptions from the tax on sales, use, and other transactions; increasing the tax on transient rentals, the lease or rental of or license in real property, admissions, and sales, storage, and use; providing for retention of records relating to the sales tax on services for a certain period; amending s. 240.533, F.S.; requiring an amount equal to lost sales tax revenue to be used by certain educational institutions for women's athletics; amending s. 288.385, F.S.; providing tax exemptions for certain currency and barter exchanges; amending ss. 201.02, 201.15, 215.32, F.S.; repealing the increase in the documentary stamp tax and providing for redistribution of tax proceeds; repealing ss. 206.87(1)(b), 206.875(3), F.S.; repealing the increase in diesel fuel taxes; amending s. 207.026, F.S.; providing for redistribution of taxes; providing for application of the additional sales or use tax to certain utility services; providing transition rules for the repeal of the services tax; providing for refund of additional taxes paid by certain contractors; providing penalties; saving certain actions from abatement; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Frank—

SB 9-B—A bill to be entitled An act relating to taxation; amending ss. 212.02, 212.03, 212.031, 212.04, 212.05, 212.054, 212.055, 212.06, 212.07,

212.08, 212.095, 212.11, 212.12, 212.13, 212.14, 212.17, 212.18, 212.21, 212.61, 57.111, 120.57, F.S.; repealing ss. 212.059, 212.0591, 212.0592, 212.0593, 212.0594, 212.0595, 212.0598, 57.071(3), 120.575(1)(b), 120.65(5), F.S.; amending s. 32, ch. 87-86, Laws of Florida, as amended; repealing ss. 31, 37, 47, ch. 87-6, Laws of Florida, as amended; repealing the sales tax on services and conforming various statutes to that repeal; increasing, for a limited period, the tax on transient rentals, the lease or rental of or license in real property, admissions, and sales, storage, and use; providing for retention of records relating to the sales tax on services for a certain period; exempting certain clothing from the sales tax; repealing s. 212.235, F.S.; abolishing the State Infrastructure Trust Fund; amending ss. 201.02, 201.15, F.S.; repealing the recent increase in the documentary stamp tax and providing for a redistribution of tax proceeds; repealing ss. 206.87(1)(b), 206.875(3), F.S.; repealing the recent increase in the taxation of diesel fuels; amending ss. 207.026, 215.32, F.S.; deleting requirements with respect to the deposit of such tax revenues; providing for a commission to study sources for replacing revenues lost due to the repeal of these taxes; providing for reports; saving certain actions from abatement; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

By Senator Brown—

SB 10-B—A bill to be entitled An act relating to tax on sales, use, and other transactions; amending s. 212.02, F.S.; revising the definitions of "retail sale," "sale for resale," "sales price," and "service"; amending s. 212.0592, F.S.; revising the exemption for certain insurance services of agents and brokers; revising the definition of "qualified motion picture" applicable to an exemption from the tax on services; revising the exemption for legal services; amending s. 212.06, F.S.; revising the definition of "dealer" with respect to certain transfers of real property; providing an effective date.

—was referred to the Committees on Finance, Taxation and Claims; and Appropriations.

VETOED BILLS 1987 REGULAR SESSION

Honorable George Firestone
Secretary of State

June 30, 1987

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections Committee Substitute for Senate Bill 177 enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1987, and entitled:

An act relating to motor vehicles; amending s. 338.15 and 347.19, F.S.; exempting certain handicapped persons from payment of tolls on bridges, ferries, and toll facilities; amending s. 316.614, F.S., exempting motor vehicles operated by rural letter carriers of the United States Postal Service and law enforcement officers under certain circumstances; amending ss. 316.1955, 316.1956, 316.1964, 320.0842, and 320.0843, F.S.; providing that handicapped persons who are confined to wheelchairs, and whose motor vehicles display a license plate designating that disability, may park such vehicles in parking spaces specially designated for disabled persons and shall not be required to apply for, display, or pay any fee for exemption entitlement parking permits; amending s. 272.161, F.S.; providing procedures for the issuance of loading zone permits and scramble parking permits; providing an effective date.

Committee Substitute for Senate Bill 177 provides for amendments to Florida's statutes regarding motor vehicles in the payment of tolls, display of certain license plates, and loading zone permits.

My concern with Committee Substitute for Senate Bill 177 stems from the provision exempting law enforcement officers from the operation of a Florida law.

Specifically, Committee Substitute for Senate Bill 177 would remove the requirement that officers wear seat belts. These public servants provide an excellent example to Florida's citizens. To allow them to disregard a law which binds other Florida citizens erodes public confidence in that statutory requirement.

For the above reasons, I am withholding my approval of Committee Substitute for Senate Bill 177, Regular Session of the Legislature, commencing April 7, 1987, and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

Honorable George Firestone
Secretary of State

June 30, 1987

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of portions of Senate Bill 1325, enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1987, and entitled:

"An act making appropriations; providing moneys for the annual period beginning July 1, 1987, and ending June 30, 1988, to pay salaries, other expenses, capital outlay - buildings, and other improvements, and for other specified purposes of the various agencies of State government; providing an effective date."

I have reviewed Senate Bill 1325, the General Appropriations Act, and find it to be commendable in its efforts to direct revenues into sound investments for the people of Florida. Most of the fiscal priorities for state government in 1987-88 have been met. The Legislature has evidenced a commitment to the goals and policy directions articulated in the State Comprehensive Plan adopted by the 1985 Legislature. The State Capital Improvements Program (CIP) is Florida's long range, strategic plan to address state capital facilities and infrastructure development and maintenance needs, consistent with the State Comprehensive Plan (SCP) and the Agency Functional Plans (AFP). The infrastructure and capital programs developed in the State Capital Improvements Plan support stated agency goals and objectives, and provides the information that supports our statewide strategy to meet programmatic and infrastructure requirements.

I support the Legislature's appropriations decisions and applaud its dedication to priorities in which we have made substantial progress in this budget—particularly in public education, public safety, public health and public works.

There are, nevertheless, items which I feel are inappropriate or not in keeping with state priorities. These items, however, are a small percentage of the total budget and are delineated in this veto message. The total amount of vetoed items is \$140,495,909. Included in this total is \$79,398,078 for turnpike construction. I plan to ask the Legislature to reconsider this item in an anticipated upcoming Special Session.

The following are individual appropriations that I hereby veto:

Specific Appropriation 88C on page 14 appropriates \$25,000 from the General Revenue Fund for technical assistance to the National Orchid Show. This item was not requested by the Department of Agriculture and Consumer Services and sufficient justification has not been provided to properly evaluate this need or determine what benefits would accrue to the state if it were funded. Therefore, Specific Appropriation 88C on page 14, which reads as follows, is hereby vetoed:

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| "88C Special Categories Grants and Aids-National Orchid Show/ Technical Assistant From General Revenue Fund | \$25,000" |
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Specific Appropriation 179A on page 22 appropriates \$333,006 from the General Revenue Fund for transfer to the Florida Condominium Trust Fund to provide partial funding of the State Condominium Regulatory Program. The Condominium Regulatory Program benefits unit owners, prospective purchasers, lessees, and developers of residential condominiums. Program funding comes from developers' filing fees and condominium association annual fees which are assessed against unit owners. Since the program only regulates condominium activities, the cost of the program should not be subsidized by the General Revenue Fund. Therefore, Specific Appropriation 179A on page 22, which reads as follows, is hereby vetoed:

| | |
|---|------------|
| "179A Special Categories Transfer to Florida Condominium Trust Fund From General Revenue Fund | \$333,006" |
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Specific Appropriation 211B on page 26 appropriates \$25,000 from the General Revenue Fund to construct a Scale Model of Downtown Lakeland. There is no statewide public benefit to justify funding this item. Therefore, Specific Appropriation 211B on page 26, which reads as follows, is hereby vetoed:

"211B Aid to Local Governments
Grants and Aids-Scale Model
Downtown Lakeland
From General Revenue Fund \$25,000"

Specific Appropriation 214A on page 27 appropriates \$100,000 from the General Revenue Fund to support the Miami Film Festival. The Department of Commerce already receives promotional money for this type of event. Decisions regarding the distribution of promotional money should be made by the department after an analysis of statewide needs. Therefore, Specific Appropriation 214A on page 27, which reads as follows, is hereby vetoed:

"214A Special Categories
Grants and Aids-Miami Film Festival
From General Revenue Fund \$100,000"

Specific Appropriation 214B on page 27 appropriates \$100,000 from the General Revenue Fund to support the Greater Ft. Lauderdale Film Festival. The Department of Commerce already receives promotional money for this type of event. Decisions regarding the distribution of promotional money should be made by the department after an analysis of statewide needs. Therefore, Specific Appropriation 214B on page 27, which reads as follows, is hereby vetoed:

"214B Special Categories
Grants and Aids-Greater Ft. Lauderdale
Film Festival
From General Revenue Fund \$100,000"

Specific Appropriation 216A on page 27 appropriates \$175,000 from the General Revenue Fund for Tamiami Park Improvements to assist in facilitating motorsporting events and tourist development. Private sporting events should not receive a direct appropriation of state funds. There is no statewide benefit to justify providing state funds for this activity. Therefore, Specific Appropriation 216A on page 27, which reads as follows, is hereby vetoed:

"216A Special Categories
Grants and Aids-Tamiami Park Improvements
From General Revenue Fund \$175,000"

Specific Appropriation 216C on page 27 appropriates \$17,500 from the General Revenue Fund for the Tournament of the Americas. This event is a bowling tournament which includes Latin American participation. Private sports tournaments should not receive a direct appropriation of state funds. There is no statewide benefit to justify providing state funds for this activity. Therefore, Specific Appropriation 216C on page 27, which reads as follows, is hereby vetoed:

"216C Special Categories
Grants and Aids-Tournament of the Americas
From General Revenue Fund \$17,500"

Specific Appropriation 216E on page 28 appropriates \$500,000 from the General Revenue Fund for the construction of a velodrome at Brian Piccolo Park for the purpose of holding cycling events. It is inappropriate to use state appropriations to build facilities for private sporting events. Therefore, Specific Appropriation 216E on page 28, which reads as follows, is hereby vetoed:

"216E Special Categories
Grants and Aids-Velodrome/Brian Piccolo Park
From General Revenue Fund \$500,000"

Specific Appropriation 232A on page 29 appropriates \$150,000 from the General Revenue Fund for an Institute for Land Use Planning. The funds were to be made available to a north Florida university to provide planning assistance to small local governments to meet legislatively-mandated growth management planning and regulatory requirements. Funds for these purposes have been appropriated elsewhere in the Department of Community Affairs' budget to assist local governments. Therefore, Specific Appropriation 232A on page 29, which reads as follows, is hereby vetoed:

"232A Aid to Local Governments

Grants and Aids-Institute for Land Use Planning
From General Revenue Fund \$150,000"

Specific Appropriation 235B on page 30 appropriates \$25,000 from the General Revenue Fund for the Florida Rural Water Association. This is a non-profit organization which provides technical assistance to help small local governments improve their water systems. If there is a statewide need for this type of activity, the responsible state agency should analyze the need for this assistance and, if warranted, develop a program through which to fund appropriate activities. This appropriation is outside of the normal budget process which includes an analysis of program need. Therefore, Specific Appropriation 235B on page 30, which reads as follows, is hereby vetoed:

"235B Special Categories
Grants and Aids-Florida Rural Water Association
From General Revenue Fund \$25,000"

Specific Appropriation 355A on page 51 appropriates \$356,400 from the General Revenue Fund for the School of Podiatric Medicine at Barry University. This school was established at Barry University in 1985. The school will not be eligible for full accreditation by the Council on Podiatric Education of the American Podiatric Association until 1989. The program has not been reviewed by the Postsecondary Education Planning Commission pursuant to the requirements of section 240.147(4) of the Florida Statutes or approved by the State Board of Education pursuant to the requirements of section 229.053(2)(o) of the Florida Statutes. Therefore, Specific Appropriation 355A on page 51, which reads as follows, is hereby vetoed:

"355A Special Categories
Podiatric Medicine - Barry University
From General Revenue Fund \$356,400"

Specific Appropriation 360A on page 52 appropriates \$87,750 from the General Revenue Fund for a Ph.D. program of Social Work at Barry University. The program has not been reviewed by the Postsecondary Education Planning Commission pursuant to the requirements of section 240.147(4) of the Florida Statutes or approved by the State Board of Education pursuant to the requirements of section 229.053(2)(o) of the Florida Statutes. This program is scheduled for review by the Postsecondary Education Planning Commission in the Fall of 1987 and no compelling need to approve the program for state contract prior to the scheduled review has been demonstrated. Therefore, Specific Appropriation 360A on page 52, which reads as follows, is hereby vetoed:

"360A Special Categories
Social Work PhD - Barry University
From General Revenue Fund \$87,750"

Proviso language following Specific Appropriation 378 on page 57 appropriates \$31,157 from the General Revenue Fund to reimburse Mr. Robert Lee Wheeler for attorney's fees. This appropriation circumvents the process for filing claims against the state through a Claims Bill. Therefore, proviso language following Specific Appropriation 378 on page 57, which reads as follows, is hereby vetoed:

"From the funds provided in Specific Appropriation 378, Mr. Robert Lee Wheeler shall be reimbursed attorney's fees in the amount of \$31,157."

Proviso language following Specific Appropriation 429A on page 65 earmarks \$500,000 from the federal Drug-Free Schools appropriation for school resource officers from the Projects, Contracts and Grants Trust Fund. This represents the use of nonrecurring funds for recurring expenses. Furthermore, this earmark is not included in the plan developed by the Department of Education and the Executive Office of the Governor and approved by the federal government to implement the federal allocation for substance abuse education. Therefore, the second paragraph of the proviso language following Specific Appropriation 429A on page 65, which reads as follows, is hereby vetoed:

"From federal funds pursuant to s. 4122 of HR 5484-128, \$500,000 shall be used for matching funds for pilot projects to provide school resource officers in Florida's high schools. Priority for funding these pilots shall be given to those districts which do not currently have school resource officers in every high school including Santa Rosa and Broward Counties and other counties designated by the Commissioner of Education which will not receive sufficient funds from the federal government in funding such a program. The school district shall assign such officers to school sites based on local district needs."

Specific Appropriation 459A on page 80 appropriates \$50,000 from the General Revenue Fund for a Feasibility Study for Sumter Technical High School. The State of Florida has a vocational program planning process and a facilities planning process to authorize and establish such projects. To provide funds outside the systematic process adopted by the State is inappropriate. The appropriation was not requested by the Department of Education. Therefore, Specific Appropriation 459A on page 80, which reads as follows, is hereby vetoed:

"459A Special Categories
Grants and Aids - Feasibility Study
Sumter Technical High School
From General Revenue Fund \$50,000"

Specific Appropriation 459B on page 80 appropriates \$200,000 from the General Revenue Fund to be used by the Department of Education to develop a plan for the establishment of at least two experimental elementary schools modeled after Japanese elementary schools. This appropriation was not requested by the Department of Education and the need to establish such programs has not been demonstrated. Therefore, Specific Appropriation 459B and associated proviso language beginning on page 80 and continuing on page 81, which reads as follows, is hereby vetoed:

"459B Special Categories
Grants and Aids - Japanese Elementary
Schools
From General Revenue Fund \$200,000"

Funds provided in Specific Appropriation 459A shall be used by the Department of Education to develop a plan for the establishment of at least two experimental elementary school programs modeled after Japanese elementary schools. The programs shall begin during the 1988-89 school year. One of the programs shall be located at the developmental research school at the University of Florida and at least one program shall be located in or near a major metropolitan area of the state determined to be most appropriate by the department. The experimental programs shall provide a school day, week and year comparable in length to that of Japanese elementary schools, including a half-day Saturday program, a curriculum similar to that of Japanese elementary schools, including, but not limited to, intensive Japanese language instruction, and the use of Japanese classroom management techniques. The plan shall also include a projected program budget. The Department of Education shall solicit comments from the Florida Department of Commerce, the Florida High Technology and Industry Council, and the Florida Council on Far East Research and Development in developing the program plan. The plan shall be developed in consultation with the Japanese Ministry of Education to ensure that the programs meet the ministry's standards for approval. The plan shall be submitted to the Legislature and the Governor by January 15, 1988."

Specific Appropriation 459C on page 81 appropriates \$200,000 from the General Revenue Fund for a planning grant for a magnet school for Volusia County. Funding for this program was not requested by the Department of Education. In addition, a feasibility study concerning the establishment of a magnet school has not been presented to either the Department of Education or the Executive Office of the Governor. Therefore, Specific Appropriation 459C and associated proviso language, on page 81, which reads as follows, is hereby vetoed:

"459C Special Categories
Grants and Aids - Magnet Schools
From General Revenue Fund \$200,000"

Funds provided in Specific Appropriation 459C shall be used by the Department of Education to develop a plan for the establishment of a Magnet Math/Science school model after the North Carolina Math Science School or similar exemplary school. The program shall begin during the 1988-89 school year. The school shall be located in Volusia County. The experimental program shall provide a school day, week or year that is innovative in nature and may include Saturday programming. The plan shall also include a projected program budget. The plan shall be submitted to the Legislature and Governor by January 15, 1988."

Proviso language on page 86 following Specific Appropriation 472 earmarks \$185,000 from the General Revenue Fund for the Progress in Middle Childhood Education Program for a dropout prevention pilot project in Martin County. This represents an improper earmark of the

funds required by section 230.219(6)(a) of the Florida Statutes to be allocated based on approved district plans. Therefore, the first full paragraph of proviso on page 86 following Specific Appropriation 472, which reads as follows, is hereby vetoed:

"From the funds in Specific Appropriations 472, \$185,000 is provided for a three-year dropout prevention pilot project in Martin County."

Proviso language following Specific Appropriation 499 on page 91 requires that \$32,000 from the General Revenue Fund be provided to the Washington County Community Education project. This would provide full funding by the state for the position of Director of Community Education. Section 228.071(5)(a) of the Florida Statutes limits state funding to no more than 1/2 of the total compensation of each position funded under the Community Education Program. Therefore the second paragraph of the proviso language following Specific Appropriation 499 on page 91, which reads as follows, is hereby vetoed:

"From the funds in Specific Appropriation 499, \$32,000 shall be for the Washington County Community Education Project."

Specific Appropriation 514A on page 98 appropriates \$250,000 from the General Revenue Fund for the Liberty City Revitalization Project. The Liberty City Revitalization Project is operated by a private corporation for improvement of commercial property in the Miami/Liberty City area. This is an inappropriate use of state funds. Therefore, Specific Appropriation 514A on page 98, which reads as follows, is hereby vetoed:

"514A Lump Sum
Liberty City Revitalization Project
From General Revenue Fund \$250,000"

Proviso language following Specific Appropriation 512 on page 97 requires that \$150,000 from the State Education Lotteries Trust Fund be provided to the Lake Sumter Learning Resource Center. In excess of \$133,000 of these funds are to be used to purchase equipment for a television studio. This is an inappropriate use of funds which are for the acquisition of library books and an inappropriate earmark of system-wide funds for a single college. Therefore, the proviso language in the fourth full paragraph following Specific Appropriation 512 on page 97, associated with Specific Appropriation 516B, which reads as follows, is hereby vetoed:

"From the funds provided in Specific Appropriation 516B, \$150,000 shall be for the Lake Sumter Learning Resource Center."

Proviso language in the fourth full paragraph on page 111 following Specific Appropriation 555 directs the Joint Center for Environmental and Urban Problems to allocate \$50,000 from the General Revenue Fund to develop an architectural and engineering plan for the reconstruction of the Old School Square Project. This item was not requested by the Board of Regents and will provide for the renovation and remodeling of facilities to be transferred to local government. Further, the use of operating funds to develop renovation and remodeling plans circumvents the procedures established for appropriating funds allocated for facilities. Therefore, proviso language associated with Specific Appropriations 538, 539, 540 and 544 which follows Specific Appropriation 555 in the fourth full paragraph on page 111, which reads as follows, is hereby vetoed:

"and shall allocate up to \$50,000 to conduct or contract to have performed an architectural and engineering plan for the reconstruction of the Old School Square Project"

Specific Appropriation 546B on page 106 appropriates \$150,000 from the General Revenue Fund for Athletic Programs at the University of West Florida. This item was not in the Board of Regents legislative budget request and has not been submitted to the Board of Regents for consideration through the established process adopted to address the expenditure of state funds for athletics. Therefore, Specific Appropriation 546B, on page 106 and the associated proviso following Specific Appropriation 555 in the first full paragraph on page 112, which reads as follows, is hereby vetoed:

"546B Lump Sum
Athletic Programs - University of West Florida
From General Revenue Fund \$150,000"

"Funds provided in Specific Appropriation 546B shall be allocated to the University of West Florida in support of the athletic programs at the university."

Proviso language on page 109 and 110 associated with Specific Appropriation 550 requires that \$50,000 from the State Education Lotteries Trust Fund be transferred to the Center of Labor Studies at Florida International University to study local options on privatization. This study will include identifying current practices in privatization within Florida and developing a clearinghouse of such practices. This item was not in the Board of Regents legislative budget request. The designation of a specific study at a specific university circumvents the process established by the Institute of Government for the submission and selection of proposed studies of benefit to the State of Florida. A clearinghouse is a long term commitment and is not appropriately funded through an institute which provides for studies of limited duration. Therefore, proviso associated with Specific Appropriation 550 in the seventh paragraph on page 109 and continuing on page 110, following Specific Appropriation 555, which reads as follows, is hereby vetoed:

"From the funds provided in Specific Appropriation 550, \$50,000 shall be transferred to the Center on Labor Studies at FIU to study local options involving privatization."

Specific Appropriation 610B on page 124 appropriates \$486,000 from the General Revenue Fund for a grant to the Bay Area Resource Council. The Surface Water Improvement and Management Act passed by the 1987 Legislature requires each water management district to prepare a project priority list and develop plans for cleaning up and managing surface waters based on criteria developed by the Department of Environmental Regulation. These project lists and accompanying management plans will assist in determining the appropriate source and level of funding for a particular water body. It would be inappropriate to circumvent the procedures established in this recently enacted legislation. Therefore, Specific Appropriation 610B on page 124, and the associated proviso language, which reads as follows, is hereby vetoed:

"610B Aid to Local Governments
Grants and Aids-Grant to Bay Area
Resource Council
From General Revenue Fund \$486,000

Funds provided in Specific Appropriation 610B shall be advanced to the Bay Area Resource Council, an interlocal organization representing local governments in Northwest Florida. These funds shall be used to study water quality issues in Escambia Bay, Pensacola Bay, and East Bay. From these funds, \$100,000 shall be used to purchase computer modelling of the bays from the Northwest Florida Water Management District and the remainder shall be used for contracts with the University of West Florida."

Specific Appropriation 610C on page 124 appropriates \$250,000 from the General Revenue Fund for a grant to the South Florida Water Management District. Proviso language associated with Specific Appropriation 610C requires these funds to be used to investigate water resources in Osceola County. This appropriation duplicates an identical appropriation contained in SB 624 which passed the 1987 Legislature. Therefore, Specific Appropriation 610C on page 124 and associated proviso language, which reads as follows, is hereby vetoed:

"610C Aid to Local Governments
Grants and Aids-Grant to South Florida
Water Management District
From General Revenue Fund \$250,000

Funds provided in Specific Appropriation 610C shall be advanced to the South Florida Water Management District for investigating water resources in Osceola County. These funds shall be matched on an equal basis by the South Florida Water Management District."

Specific Appropriation 610E on page 124 appropriates \$100,000 from the General Revenue Fund for a grant to the South Florida Water Management District for purchase of carp for the Zellwood Drainage District. The Surface Water Improvement and Management Act passed by the 1987 Legislature requires each water management district to prepare a project priority list and develop plans for cleaning up and managing surface waters based on criteria developed by the Department of Environmental Regulation. These project lists and accompanying management plans will assist in determining the appropriate source and level of funding for a particular water body. It would be inappropriate to circumvent the procedures established in this recently enacted legislation. Therefore, Specific Appropriation 610E on page 124, which reads as follows, is hereby vetoed:

"610E Aid to Local Governments

Grants and Aids-Grant to South
Florida Water Management District
for Zellwood Drainage District
From General Revenue Fund \$100,000"

Specific Appropriation 611 on page 124 appropriates \$116,000 from the General Revenue Fund for a grant to the City of Carrabelle for a sewage treatment facility to serve the city, the port, and the airport authority. Funds were appropriated in Fiscal Year 1986-87 for sewage treatment facilities in the City of Carrabelle. However, all of those funds have not been expended and the Department of Environmental Regulation is working with the city to have these funds certified forward on June 30, 1986 and available for expenditure in 1987-88. Therefore, Specific Appropriation 611 on page 124 from the General Revenue Fund, which reads as follows, is hereby vetoed:

"611 Aid to Local Governments
Grants and Aids-Sewage Treatment
Construction Grant Program
From General Revenue Fund \$116,000"

Specific Appropriation 614A on page 125 appropriates \$250,000 from the General Revenue Fund for a grant to the City of Jacksonville for project review and design of a laboratory facility to house air and water pollution laboratory personnel. This item was not requested by the Department of Environmental Regulation or included in the Governor's Recommendations. No information has been made available to this office which would justify expenditure of state funds for this local project. Therefore, Specific Appropriation 614A on page 125, which reads as follows, is hereby vetoed:

"614A Special Categories
Grants and Aids-Bio-Environmental
Laboratory Facility - Study and Plan
From General Revenue Fund \$250,000"

Specific Appropriation 617A on page 126 appropriates \$800,000 from the State Infrastructure Fund for cleanup of South Lake and Fox Lake. The Surface Water Improvement and Management Act passed by the 1987 Legislature requires each water management district to prepare a project priority list and develop plans for cleaning up and managing surface waters based on criteria developed by the Department of Environmental Regulation. These project lists and accompanying management plans will assist in determining the appropriate source and level of funding for a particular water body. It would be inappropriate to circumvent the procedures established in this recently enacted legislation. Therefore, Specific Appropriation 617A on page 126, which reads as follows, is hereby vetoed:

"617A Special Categories
South Lake and Fox Lake Cleanup
From State Infrastructure Fund \$800,000"

Specific Appropriation 638A on page 128 appropriates \$335,000 and three positions from the State Game Trust Fund for the Alligator Management Program. This item duplicates the appropriation in House Bill 763 for this program. Therefore, Specific Appropriation 638A and the associated proviso on page 128, which reads as follows, is hereby vetoed:

"638A Lump Sum
Alligator Management Program
Positions 3
From State Game Trust Fund \$335,000

Funds and positions provided in Specific Appropriation 638A are contingent upon SB 486 or similar legislation becoming law."

Proviso language following Specific Appropriation 804 on page 150 requires that \$200,000 be used to fund the Miami Beach Battered Women Project in District 11. This program is not certified as a domestic violence program. Certification is a prerequisite for all domestic violence programs prior to receiving state funds. This project would not receive a funding distribution under the current allocation methodology developed by the Department of Health and Rehabilitative Services. Therefore, the proviso language following Specific Appropriation 804 on page 150, which reads as follows, is hereby vetoed:

"From the funds in Specific Appropriation 804, \$200,000 shall be used to fund the Miami Beach Battered Women Project in District 11."

Proviso language following Specific Appropriation 1354 on page 212 requires that \$250,000 from Job Training Partnership Act Service Delivery Allotments be allocated to the Loyola Foundation, Inc. for the design and implementation of a training program to enhance the basic skills of professionals impacted by s. 455.218, F.S., if such an allocation is permissible under the provisions of the Job Training Partnership Act. Earmarking local service delivery area allotments at the state level in this manner circumvents the federal regulations which require contract applicants to undergo a competitive, locally-based grant proposal process conducted by private industry councils. Funds provided under the Job Training Partnership Act are also required to be used in accordance with local job training plans, and there are no provisions in current plans to use funds in the manner prescribed by the proviso language. Federal law also requires strict formula-based allocations to local service delivery areas with no provision for state legislative targeting of these local funds through the appropriations process. For these reasons, the allocation provided for in proviso following Specific Appropriation 1354 is not deemed permissible under the provisions of the Job Training Partnership Act. Therefore, the proviso language following Specific Appropriation 1354 on page 212, which reads as follows, is hereby vetoed:

"From the funds provided in Specific Appropriation 1354, \$250,000 will be allocated to the Loyola Foundation, Inc. for the design and implementation of a training program to enhance the basic skills of professionals who are impacted by s. 455.218, F.S., if such an allocation is permissible under the provisions of the Job Training Partnership Act."

Proviso language following Specific Appropriation 1413A on page 218 requires that \$100,000 be used by the Brevard County Drug Abuse Prevention Task Force to combat drug traffickers. These are anti-drug federal funds to be distributed among state agencies and counties in accordance with a comprehensive plan. The Department of Community Affairs will use a formula to fairly distribute such funds to comply with federal regulations. Therefore, Specific Appropriation 1413A on page 218 and the associated proviso language, which reads as follows, is hereby vetoed:

"1413A Aid to Local Governments
Grants and Aids - Brevard County
Drug Abuse Prevention Task Force
From Grants and Donations Trust Fund \$100,000

Funds in Specific Appropriation 1413A shall be used by Brevard County Drug Abuse Prevention Task Force to combat drug traffickers. This should not be construed to commit the state to funding of this program in the future."

Specific Appropriation 1449A on page 223 appropriates \$229,000 from the General Revenue Fund for the production of an underwater environmental film. This project was not requested by the Department of Natural Resources or included in the Governor's Recommendations. There has been no justification for this project's high priority status. Given the many environmental problems and needs facing Florida, this is an inappropriate use of limited state funds. Therefore, Specific Appropriation 1449A on page 223, which reads as follows, is hereby vetoed:

"1449A Special Categories
Underwater Environmental Film
From General Revenue Fund \$229,000"

Specific Appropriation 1466A on page 225 appropriates \$1,000,000 from the General Revenue Fund for artificial fishing reef construction grants. The first paragraph of proviso language associated with Specific Appropriation 1466A requires these reefs be constructed off the coast of Pinellas County, Duval County, and Escambia County. Section 370.25, Florida Statutes, requires the Department of Natural Resources to establish a program to provide grants to local governments for constructing artificial reefs. This section requires the department to adopt by rule procedures for submitting applications and criteria for allocating available funds. The appropriation provided in Specific Appropriation 1466A circumvents the established procedures authorized by Florida Statutes and departmental rules. Therefore, Specific Appropriation 1466A on page 225, and the associated proviso language, which reads as follows, is hereby vetoed:

"1466A Aid to Local Governments
Grants and Aids-Fishing Reefs-Pilot Projects
From General Revenue Fund \$1,000,000

From funds provided in Specific Appropriation 1466A pilot artificial fishing reef projects shall be constructed off the coasts of Pinellas County, Duval County and Escambia County.

Funds in Specific Appropriation 1466A may be advanced in part or in total."

Specific Appropriation 1504A on page 230 appropriates \$135,000 from the General Revenue Fund for a grant to Gadsden County for the Aspalaga Landing boat ramp. The Department of Natural Resources currently administers a program whereby a portion of the vessel registration fees collected in each county is returned to the county for boating related activities. Any projects related to the Aspalaga Landing boat ramp would be more appropriately funded under this program. Therefore, Specific Appropriation 1504A on page 230, which reads as follows, is hereby vetoed:

"1504A Special Categories
Grants and Aids-Boating Assistance Project
From General Revenue Fund \$135,000"

Specific Appropriation 1677A on page 248 appropriates \$350,000 from the State Transportation (Primary) Trust Fund for a grant to Davie for an I-595 feeder road. This feeder road is not on the state highway system. The Department of Transportation is not authorized to expend State Transportation Trust Funds for road projects which are off the state highway system, unless such projects have been specifically authorized in substantive legislation. Therefore, Specific Appropriation 1677A on page 248, which reads as follows, is hereby vetoed:

"1677A Aid to Local Governments
Grants and Aids-Grant to Davie
for I-595 Feeder Road
From State Transportation
(Primary) Trust Fund \$350,000"

Specific Appropriation 1703 on page 253 appropriates \$79,398,078 from the Florida Turnpike Trust Fund for turnpike construction projects. The purpose of this appropriation category is to implement the Turnpike Improvement Work Program as recommended to the Legislature by the Secretary of the Department of Transportation in the report entitled "The Future of Florida's Turnpike." This appropriation contemplates the sale of turnpike revenue bonds which must be reimbursed from turnpike toll proceeds. The projects contained in the Turnpike Improvement Work Program are necessary and economically feasible, and are supported by traffic and revenue studies, safety reports, the barrier conversion study, operational analysis of toll collection activities, and other studies undertaken by the Department of Transportation to assess needs as is required by Section 338.223, Florida Statutes. Should projects be undertaken which do not generate sufficient revenue to satisfy the bond principal and interest payments, then the entire turnpike work program would be jeopardized. The Legislature has stipulated the construction of certain projects which are not included in the Department of Transportation's Legislative Budget Request and, therefore, are not consistent with the Turnpike Improvement Work Program which contains only those projects that have undergone the required needs and economic feasibility assessments. The Governor intends to have the Legislature reconsider the turnpike construction appropriation category during an upcoming special session. Therefore, Specific Appropriation 1703 on page 253, which reads as follows, is hereby vetoed:

"1703 Special Categories
Turnpike Construction
From Florida Turnpike Trust Fund \$79,398,078"

Specific Appropriation 1716A on page 254 appropriates \$500,000 from the State Transportation (Primary) Trust Fund for a grant to Brevard County for the Valkaria Airport. The purpose of this grant is to construct a road network in an executive business park located on the airport property. This project has not gone through the appropriate review process for identifying and determining the feasibility of airport economic development projects, and it is not in the Department of Transportation's Five-Year Adopted Transportation Plan. Therefore, Specific Appropriation 1716A on page 254, which reads as follows, is hereby vetoed:

"1716A Aid to Local Governments
Grants and Aids-Grant to Brevard
County for Valkaria Airport
From State Transportation
(Primary) Trust Fund \$500,000"

Specific Appropriation 1732A on page 256 appropriates \$500,000 from the State Transportation (Primary) Trust Fund for planning and design for Saufley Field Road to Blue Angel Parkway. Saufley Field Road is not

on the state highway system. The Department of Transportation is not authorized to expend State Transportation Trust Funds for road projects which are off the state highway system, unless such projects have been specifically authorized in substantive legislation. Therefore, Specific Appropriation 1732A on page 256, which reads as follows, is hereby vetoed:

"1732A Special Categories
Planning and Design for Saufley
Field Road to Blue Angel Parkway
From State Transportation
(Primary) Trust Fund \$500,000"

Specific Appropriation 1778A on page 262 appropriates \$50,000 from the Market Improvements Working Capital Trust Fund for an agriculture multi-purpose building in Nassau County. The Department of Agriculture and Consumer Services did not request this local project. No information has been presented to support the need for this project. Furthermore, although this project is appropriated from the Market Improvements Working Capital Trust Fund, the actual source of funding is sales tax revenues transferred from the State Infrastructure Fund. The Legislature created the State Infrastructure Fund specifically to pay the costs of infrastructure and capital expenditures related to the state's major growth needs. This project is not an appropriate use of State Infrastructure Fund receipts. Therefore, Specific Appropriation 1778A on page 262 which reads as follows is hereby vetoed:

"1778A Fixed Capital Outlay
Nassau County Agriculture Multi-Purpose Building
From Market Improvements Working
Capital Trust Fund \$50,000"

Specific Appropriation 1778B on page 262 appropriates \$75,000 from the Market Improvements Working Capital Trust Fund for the Okaloosa County Fair. The Department of Agriculture and Consumer Services did not request this local project. No information has been presented to support the need for the project. Furthermore, although this project is appropriated from the Market Improvements Working Capital Trust Fund, the actual source of funding is sales tax revenues transferred from the State Infrastructure Fund. The Legislature created the State Infrastructure Fund specifically to pay the costs of infrastructure and capital expenditures related to the state's major growth needs. This project is not an appropriate use of State Infrastructure Fund receipts. Therefore, Specific Appropriation 1778B on page 262, which reads as follows is hereby vetoed:

"1778B Fixed Capital Outlay
Okaloosa County Fair - Ft. Walton
From Market Improvements Working
Capital Trust Fund \$75,000"

Specific Appropriation 1780C on page 263 appropriates \$50,000 from the Market Improvements Working Capital Fund for construction for the Walton County Fair Association. The Department of Agriculture and Consumer Services did not request this local project. No evidence has been presented to support the need for this project. Furthermore, although this project is appropriated from the Market Improvements Working Capital Trust Fund, the actual source of funding is sales tax revenues transferred from the State Infrastructure Fund. The Legislature created the State Infrastructure Fund specifically to pay the costs of infrastructure and capital expenditures related to the state's major growth needs. This project is not an appropriate use of State Infrastructure Fund receipts. Therefore, Specific Appropriation 1780C on page 263, which reads as follows, is hereby vetoed:

"1780C Fixed Capital Outlay
Walton County Fair Association
From Market Improvements Working
Capital Trust Fund \$50,000"

Specific Appropriation 1829A on page 268 appropriates \$1,514,935 from the General Revenue Fund for the addition of a second level to the parking facility for the Lakeland Regional Service Center. The state currently has a 279 vehicle parking facility which meets the needs of clients and employees at this regional service center. While the design and construction of the facility could allow for a second level to accommodate 140 vehicles, there is no state obligation to replace the public parking lot that was purchased for construction of the regional service center. Therefore, Specific Appropriation 1829A on page 268, which reads as follows, is hereby vetoed:

"1829A Fixed Capital Outlay

Regional Service Center Parking
Facility Polk County (Lakeland)
From General Revenue Fund \$1,514,935"

Specific Appropriation 1845A on page 270 appropriates \$475,000 from the State Infrastructure Fund to provide additional substance abuse beds at the Florida Alcoholism Treatment and Research Center (FATC). This project would provide 50 new substance abuse treatment beds at a specific institutional facility. This project was not included in the Department's resource distribution formula, thereby circumventing an analysis of need. It was not identified in the Department's five year capital improvements plan. It is also not consistent with the State Comprehensive Plan policies which promote the service of clients in community based treatment programs. Therefore, Specific Appropriation 1845A on page 270, which reads as follows, is hereby vetoed:

"1845A Fixed Capital Outlay
Addition of Substance Abuse Beds at FATC
From State Infrastructure Fund \$475,000"

Specific Appropriation 1851E on page 270 appropriates \$200,000 from the State Infrastructure Fund for planning of a medical services center at the Gainesville Sunland institution. The institution is closing the hospital on the grounds and transferring treatment to a renovated residential facility which will operate under temporary certification only. The proposed medical services center would be a permanent replacement to the old hospital. This may not be the best alternative for client placement consistent with the deinstitutionalization goals of the State Comprehensive Plan. The Department should determine what type of facility is needed as part of the comprehensive services plan to be developed this year in accordance with proviso language under Specific Appropriation 742, Other Personal Services. Therefore, Specific Appropriation 1851E on page 270, which reads as follows, is hereby vetoed:

"1851E Fixed Capital Outlay
Sunland, Gainesville Medical Service Center
From State Infrastructure Fund \$200,000"

Specific Appropriation 1867A on page 272 appropriates \$42,920,612 from the Insurance Commissioner's Regulatory Trust Fund for construction of a Department of Insurance office building. The Department of Insurance did not provide adequate justification of the need for this project. As a result, it was not included in the State Capital Improvements Plan and was not contained in my biennial budget recommendations.

In the project justification, the Department of Insurance did not report that any of its divisions were operating under a significant handicap in their current office arrangements or that any program efficiencies would result. There was no cost benefit comparison between the current private and state lease costs and the cost of building construction. The project justification did not address the amount and cost of space that would be vacated once the new building was built.

The 1984 Legislature created a strategic planning process to guide Florida's future growth and development. This process included a procedure for identifying and funding needed capital and infrastructure projects in Florida. The capital improvements process which was developed in response to this legislative initiative requires agencies to prepare five-year programs for meeting their capital needs. The projects included in an agency's plan should represent the essential requirements for agency operation. The agency requests are then analyzed and incorporated into a State Capital Improvements Plan that merges the various agency needs into a consistent, overall state policy.

The Legislature has assigned in section 255.245, F.S., responsibility to the Department of General Services to act as the state's landlord; managing the major state office buildings for state agencies. Assignment of this responsibility to a single agency enables the state to benefit from central management and maintenance. Construction of the Insurance Building from the Insurance Commissioner's Regulatory Trust Fund would place that building outside of the state's central office ownership and management program. The effectiveness of the centrally managed state office space program would be severely compromised.

Currently authorized for construction in the Tallahassee/Leon County area are buildings to house the Auditor General and the Department of Education, and to provide laboratories for the Department of Environmental Regulation. The State Capital Improvement Plans' schedule provides for an addition of four buildings to the inventory in Tallahassee, converts the unused Sunland hospital to offices, and provides for another

records storage facility for the Department of State. Construction of the four new state office buildings and conversion of the Sunland hospital will add 851,000 net square feet of state owned space to the Tallahassee inventory.

In addition to the new buildings, the Plan provides for the renovation of the Holland, Larson, Knott, and Carlton buildings in order for them to better meet the need of State agencies and programs. Space in any of these buildings could be used to accommodate currently anticipated Department of Insurance needs.

Under the Plan, the share of state owned and occupied office space in Tallahassee will increase to about 80 percent of the need from approximately 49 percent currently.

These factors adequately justify the recommendation that the project not be funded. Therefore, Specific Appropriation 1867A on page 272, which reads as follows, is hereby vetoed:

"1867A Fixed Capital Outlay
Insurance Building
From Insurance Commissioner's
Regulatory Trust Fund \$42,920,612"

Specific Appropriation 1905A on page 276 appropriates \$400,000 from the State Infrastructure Fund to acquire land to open Bay Front Road in Pensacola in order to improve access to the historic district. The Historic Pensacola Preservation Board did not request funding for this project for any time during the five years covered by its 1987-92 Capital Improvements Program. In this document, the Board discussed acquisition goals deemed necessary to establish a "Historic Pensacola Village." This activity is discussed in the Board's Agency Functional Plan. According to the Agency Functional Plan, the Board intends to significantly expand its museum operations activities. The Board's Capital Improvements Program placed a high priority on maintenance of its existing facilities, and I recommended funding for that purpose. The funding proposed for this acquisition could better be spent for maintenance of the existing facilities. Therefore, Specific Appropriation 1905A on page 276, which reads as follows, is hereby vetoed:

"1905A Fixed Capital Outlay
Acquisition of Land to open Bay Front Road
From State Infrastructure Fund \$400,000"

Specific Appropriation 1920C on page 280 appropriates \$375,000 from the General Revenue Fund to the Brevard School Board for the construction of Draa football field. This project was not included in the Department of Education survey of educational facility need, and thus was not requested by the Department of Education. Therefore, Specific Appropriation 1920C on page 280, which reads as follows, is hereby vetoed:

"1920C Fixed Capital Outlay
Brevard School Board-Draa Field
From General Revenue Fund \$375,000"

Specific Appropriation 1920D on page 280 appropriates \$125,000 from the General Revenue Fund to the Brevard School Board for the construction of an addition to a fieldhouse at Satellite High School. This project was not requested by the Department of Education nor has adequate information been presented to support the need for the project. Therefore, Specific Appropriation 1920D on page 280, which reads as follows, is hereby vetoed:

"1920D Fixed Capital Outlay
Brevard School Board-Satellite High School
From General Revenue Fund \$125,000"

Specific Appropriation 1920E on page 280 appropriates \$200,000 from the General Revenue Fund to the Hillsborough School Board for a Community Educational Facility at Plant City. This project was not requested by the Department of Education nor has adequate information been presented to support the need for the project. This project would not comply with the community education provisions of Section 235.196, Florida Statutes. Therefore, Specific Appropriation 1920E on page 280, which reads as follows, is hereby vetoed:

"1920E Fixed Capital Outlay
Hillsborough School Board/Plant City
From General Revenue Fund \$200,000"

Specific Appropriation 1920F on page 280 appropriates \$1,000,000 from the General Revenue Fund for a Community Educational Facility at St. Petersburg Junior College in Clearwater. This project was not requested by the Department of Education and has been funded in Specific Appropriation 1491A on page 228. Therefore, Specific Appropriation 1920F on page 280, which reads as follows, is hereby vetoed:

"1920F Fixed Capital Outlay
St. Petersburg Junior College/
Clearwater for Youth
From General Revenue Fund \$1,000,000"

Specific Appropriation 1920G on page 280 appropriates \$1,002,451 from the General Revenue Fund for construction and equipment at the Locklin Vo-Tech Center, Phase II. Section 235.435(3)(a), Florida Statutes, requires the inclusion of capital outlay full-time equivalent students (FTEs) from those vocational technical centers under the auspices of district school boards to be included in the funding computations for district school boards. The District School Board of Santa Rosa County has already received funding for those FTEs generated by the Locklin Vocational Technical Center in Specific Appropriation 1970 on page 289. This project was not requested by the Department of Education nor has adequate information been presented to support the need for the project. This project would not comply with the community education provisions of Section 235.196, Florida Statutes. Therefore, Specific Appropriation 1920G on page 280 which reads, as follows, is hereby vetoed:

"1920G Fixed Capital Outlay Santa Rosa County School Board
Locklin Vo-Tech Center
From General Revenue Fund \$1,002,451"

Specific Appropriation 1920I on page 280 appropriates \$250,000 from the General Revenue Fund to the Volusia School Board for construction of a Magnet School. This project was not requested by the Department of Education nor has adequate information been presented to support the need for the project. Therefore, Specific Appropriation 1920I on page 280, which reads as follows, is hereby vetoed:

"1920I Fixed Capital Outlay
Volusia County School Board - Magnet School
From General Revenue Fund \$250,000"

Specific Appropriation 1920J on page 280 appropriates \$199,020 from the General Revenue Fund to the Washington School Board for a Community Educational Facility at Vernon. This project was not requested by the Department of Education nor has any information been presented to support the need for the project. This project would not comply with the community education provisions of Section 235.196, Florida Statutes. Therefore, Specific Appropriation 1920J on page 280, which reads as follows, is hereby vetoed:

"1920J Fixed Capital Outlay
Washington School Board/Vernon
From General Revenue Fund \$199,020"

Specific Appropriation 1920K on page 280 appropriates \$207,000 from the General Revenue Fund to the Wakulla School Board for construction at Crawfordville Elementary School. This project was not requested by the Department of Education. A special facilities survey did not demonstrate the need for the project. Therefore, Specific Appropriation 1920K on page 280, which reads as follows, is hereby vetoed:

"1920K Fixed Capital Outlay
Wakulla School Board-Crawfordville
Elementary School
From General Revenue Fund \$207,000"

Specific Appropriation 1920N on page 281 appropriates \$450,000 from the General Revenue Fund to the State University System for construction of the Athletic Complex of the University of West Florida. This project was not requested by the Department of Education nor has adequate information been presented to support the need for the project. Therefore, Specific Appropriation 1920N on page 281, which reads as follows, is hereby vetoed:

"1920N Fixed Capital Outlay
Board of Regents-University of
West Florida Athletic Complex
From General Revenue Fund \$450,000"

Specific Appropriation 1922E on page 282 appropriates \$200,000 from the Coastal Protection Trust Fund for the acquisition of land. The project was not requested by the Department of Natural Resources and was not evaluated in the Capital Improvements Plan. Insufficient information has been presented to support the need for this project. Therefore, Specific Appropriation 1922E on page 282, which reads as follows, is hereby vetoed:

"1922E Fixed Capital Outlay
Land Acquisition/South Florida Maintenance Shop
From Coastal Protection Trust Fund \$200,000"

Specific Appropriation 1926E on page 283 appropriates \$100,000 from the Land Acquisition Trust Fund for renovation of Debary Hall. The project was not requested by the Department of Natural Resources and was not evaluated in the Capital Improvements Plan. Insufficient information has been presented to support the need for this project. Therefore, Specific Appropriation 1926E on page 283, which reads as follows, is hereby vetoed:

"1926E Fixed Capital Outlay
Debary Hall Renovation
From Land Acquisition Trust Fund \$100,000"

Specific Appropriation 1926F on page 283 appropriates \$237,000 from the State Infrastructure Fund for construction of a visitor center at the Gamble Mansion. The project was not requested by the Department of Natural Resources and was not evaluated in the Capital Improvements Plan. No information has been presented to support the need for this project. Therefore, Specific Appropriation 1926F on page 283, which reads as follows, is hereby vetoed:

"1926F Fixed Capital Outlay
Gamble Mansion Visitor Center Construction
From State Infrastructure Fund \$237,000"

Specific Appropriation 1928A on page 284 appropriates \$197,000 from the Land Acquisition Trust Fund for renovation of the waterwheel at DeLeon Springs. The project was not requested by the Department of Natural Resources and was not evaluated in the Capital Improvements Plan. No information has been presented to support the need for this project. Therefore, Specific Appropriation 1928A on page 284, which reads as follows, is hereby vetoed:

"1928A Fixed Capital Outlay
Renovate Waterwheel - DeLeon Springs
From Land Acquisition Trust Fund \$197,000"

Specific Appropriation 1928E on page 284 appropriates \$76,000 from the Land Acquisition Trust Fund for St. Joseph Peninsula/T. H. Stone Memorial Park. The Department of Natural Resources did not provide adequate information to support the need for this project. Therefore, Specific Appropriation 1928E on page 284, which reads as follows, is hereby vetoed:

"1928E Fixed Capital Outlay
St. Joseph Peninsula, T.H. Stone
Memorial State Park
From Land Acquisition Trust Fund \$76,000"

Specific Appropriation 1928G on page 284 appropriates \$350,000 from the Land Acquisition Trust Fund for Ybor City State Museum Site Improvement. The Department of Natural Resources did not provide adequate information to support the need for this project. Therefore, Specific Appropriation 1928G on page 284, which reads as follows, is hereby vetoed:

"1928G Fixed Capital Outlay
Ybor City State Museum Site Improvements
From Land Acquisition Trust Fund \$350,000"

Specific Appropriation 1928H on page 284 appropriates \$1,000,000 from the Land Acquisition Trust Fund for land acquisition at Emerson Point in Manatee County. The project was not requested by the Department of Natural Resources and was not evaluated in the Capital Improvements Plan. Florida currently has a statutorily established process for land acquisition outlined in Chapters 259 and 375, Florida Statutes. This project should be evaluated in accordance with that process. Therefore, Specific Appropriation 1928H on page 284, which reads as follows, is hereby vetoed:

"1928H Fixed Capital Outlay

Land Acquisition/Emerson Point
Manatee County
From Land Acquisition Trust Fund \$1,000,000"

Proviso language following Specific Appropriation 1972B on page 291 appropriates \$100,000 from the Public Education Capital Outlay and Debt Service Trust Fund to the University of Florida for planning a police station. This project is not on the Board of Regents current priority list and has been vetoed in past years for the same reason. Therefore, the proviso language following Specific Appropriation 1972B on page 291, which reads as follows, is hereby vetoed:

"UF - Police Station (P) \$100,000"

The portions of Senate Bill 1325 which are set forth herein with my objections are hereby vetoed, and all other portions of Senate Bill 1325 are hereby approved.

Sincerely,
Bob Martinez
Governor

Honorable George Firestone July 10, 1987
Secretary of State

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections Senate Bill 475 enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1987, and entitled:

An act relating to personal representatives; amending s. 733.615, F.S.; providing circumstances under which the powers and duties of joint personal representatives may be exercised by a majority; providing immunity from liability for certain joint personal representatives; providing protection for persons who deal with a joint personal representative under certain circumstances; providing an effective date.

Senate Bill 475 amends Section 733.615, Florida Statutes, by providing that multiple personal representatives of a decedent's estate can take action by majority vote effective October 1, 1987. It also provides that personal representatives who do not join in the decision of the majority, or dissent to that decision, may be protected if the decision is faulty.

A second bill, Senate Bill 541, also amends Section 733.615, Florida Statutes, to provide for actions by majority vote of multiple personal representatives, effective October 1, 1988. Senate Bill 541, like Senate Bill 475, also provides for the protection of personal representatives who do not join in, or dissent, to majority action. These changes are beneficial and needed, but to clarify when these changes become effective, and since Senate Bill 541, contains needed amendments to Florida's guardianship statute, I am vetoing Senate Bill 475.

For the above reasons, I am withholding my approval of Senate Bill 475, Regular Session of the Legislature, commencing April 7, 1987, and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

Honorable George Firestone July 14, 1987
Secretary of State

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 82, enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1987, and entitled:

An act relating to pleas in criminal cases; requiring the court to advise defendants in criminal proceedings of the possible immigration and naturalization consequences of a plea of guilty or nolo contendere; providing for vacating of judgment if the defendant is not so advised; providing an effective date.

Senate Bill 82 provides that before a court can accept a guilty or nolo contendere plea, it must advise the defendant of the possible immigration and naturalization consequences which may occur as a result of conviction. This bill provides that the defendant does not have to disclose his citizenship to the court. If the court fails to advise a defendant as provided by this bill, and the defendant shows that he may be subject to deportation, exclusion from admission to the United States, or denial of naturalization as a result of his plea and conviction, the court shall vacate the judgment upon the defendant's motion and permit the defendant to withdraw his plea of guilty or nolo contendere and enter a plea of not guilty. The bill provides that in the absence of a record showing the court advised the defendant, it shall be presumed that the defendant did not receive the required advice.

The intent and purpose of this bill is contrary to decisional law. The Florida Supreme Court recently explained in *State v. Ginebra*, 12 FLW 322 (July 2, 1987) that it is clear under both state and federal decisional law that the trial court judge is under no duty to inform a defendant of the collateral consequences of his guilty or nolo contendere plea. See *Ginebra*, *supra*, and cases cited therein. The Court further explained that the trial judge's obligation to ensure that the defendant understands the direct consequences of his plea has been consistently interpreted to encompass only those consequences of the sentence which the trial court can impose. Deportation, exclusion from admission to the United States, and denial of naturalization are not direct consequences of a guilty or nolo contendere plea because the trial court judge has no authority or jurisdiction over those matters.

I am also concerned about the tremendous burden this bill would place upon the courts of this state, including the additional post-conviction litigation and appeals therefrom that would result if this bill were to become law. Finally, it is my opinion that this bill is unconstitutional as encroaching upon the power of the judiciary to regulate rules of practice and procedure for the courts.

For the above reasons, I am withholding my approval of Senate Bill 82, Regular Session of the Legislature, commencing on April 7, 1987 and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

Honorable George Firestone
Secretary of State

July 14, 1987

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8, of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you my objections to Senate Bill 393, enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1987, and entitled:

An act relating to the Florida Institute of Phosphate Research; amending s. 378.101, F.S.; revising the composition of the board of directors of the institute; providing an effective date.

This bill alters appointments to the board of directors by specifying that one member be the Executive Director of the Department of Natural Resources (DNR) or his designee and four members be appointed by the Governor. Members appointed by the Governor would serve 3-year terms, but the DNR member would not be limited to a 3-year term.

The bill eliminates the Governor's authority to appoint all five board members from among various prescribed interests in the state. I am aware of no problems that have surfaced to justify changing the current law to specify that one board member be the Executive Director of DNR or his designee.

I am further concerned that, under the bill, the term of the DNR representative would not be limited to three years, as are all other board members. This legislation violates the worthwhile principle that board members should serve limited terms in order to continually revitalize and rejuvenate the institute's directorship.

For the above reasons, I am withholding my approval of Senate Bill 393, regular session of the Legislature, commencing on April 7, 1987, and hereby veto the same.

Sincerely,
Bob Martinez
Governor

Honorable George Firestone
Secretary of State

July 14, 1987

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I do hereby withhold my approval of and transmit to you with my objections Senate Bill 762 enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1987, and entitled:

An act relating to judicial circuits; amending s. 26.021, F.S., providing that at least one judge in the ninth judicial circuit shall reside in Osceola County; providing an effective date.

Senate Bill 762, amends Section 26.021, Florida Statutes, requiring that at least one judge of the ninth judicial circuit reside in Osceola County. This residency requirement is above and beyond that set forth in Article V, Section 8 of the Florida Constitution.

Article V, Section 8 of the Florida Constitution requires only that a circuit judge reside in the territorial jurisdiction of his court. Senate Bill 762 would impose the additional qualification that at least one judge of the ninth judicial circuit reside in Osceola County, thereby modifying the Florida Constitution by legislative enactment.

In *State v. Thomas*, a case relating to the residency requirement of school board members, the Florida Supreme Court stated that statutes imposing additional qualifications for office are unconstitutional where the basic document of the constitution itself has already undertaken to set forth those requirements. *State v. Thomas*, 293 S.2d 40,42 (Fla. 1974). Article V, Section 8 of the Florida Constitution has already set forth the residency requirements for judges.

For the above reasons, I am withholding my approval of Senate Bill 762, Regular Session of the Legislature, commencing April 7, 1987, and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

Honorable George Firestone
Secretary of State

July 14, 1987

Dear Mr. Secretary:

By the authority vested in me as Governor of Florida, under the provisions of Article III, Section 8 of the Constitution of the State of Florida, I hereby withhold my approval of and transmit to you with my objections Senate Bill 1029, enacted by the Tenth Legislature of Florida under the Florida Constitution, 1968 Revision, during the Regular Session of 1987, and entitled:

An act relating to incompetent or mentally ill persons; amending ss. 65.061, 86.041, 90.602, 620.715, 660.41, 790.17, 849.04, 913.03, 941.38, 941.39, 941.40, 941.41, 941.42, and 945.12, F.S., changing statutory usages relating to mental impairment; repealing s. 1.01(5), F.S., eliminating the general definition of the terms "lunatic", "insane persons", and like terms within the statutes; providing an effective date.

Senate Bill 1029 repeals the definition contained in s. 1.01(5), F.S., which provides that the words "lunatic", "insane persons" and other like terms include idiots, lunatics, insane persons, non compos mentis and persons of deranged or unsound mind. Senate Bill 1029 substitutes the terms "mentally incompetent", "mentally impaired" and "mentally ill" for various statutory references using the words contained in s. 1.01(5), F.S. However, Senate Bill 1029 fails to provide for any definition of the terms "mentally incompetent", "mentally impaired", and "mentally ill".

I am concerned that the substitution of those terms for the existing language found in different chapters of the statutes will result in needless, widespread litigation seeking to define those terms. For instance, Senate Bill 1029 amends section 913.03, F.S., concerning challenges to jurors in criminal proceedings, by providing that a challenge for cause to an individual juror may be made on the ground the juror is mentally impaired, whereas that section currently reads that a challenge for cause may be made if the juror is of unsound mind. Since there is no statutory definition provided for the term "mentally impaired", problems may arise as to the criminal defendant's constitutional right to a trial by a jury composed of a fair cross-section of the community. The term "unsound mind"

is an established legal term defined as one who from infirmity of mind is incapable of managing himself or his affairs, and includes insane persons, idiots, and imbeciles. *Black's Law Dictionary*, 1708 (4th Ed. 1968). The term "mentally impaired" may encompass more or less than that encompassed by the term "unsound mind". Similar definitional problems are present as to each of the sections amended by Senate Bill 1029.

For the above reasons, I am withholding my approval of Senate Bill 1029, Regular Session of the Legislature, commencing April 7, 1987, and do hereby veto the same.

Sincerely,
Bob Martinez
Governor

The bills, together with the Governor's objections thereto, were referred to the Committee on Rules and Calendar.

Motions

On motions by Senator Barron, the rules were waived and the Committees on Appropriations; and Finance, Taxation and Claims were granted permission to meet jointly this day from 10:00 a.m. until 12:00 noon and 1:00 p.m. until 6:00 p.m., for the purpose of holding a workshop to take testimony on the sales tax.

On motion by Senator Barron, the rules were waived and the Committee on Finance, Taxation and Claims was granted permission to meet Tuesday, September 22 from 9:00 a.m. until 12:00 noon to consider SB 5-B.

On motion by Senator Barron, the rules were waived and the Committee on Appropriations was granted permission to meet Tuesday, September 22 from 12:00 noon until 2:00 p.m., to consider SB 5-B if necessary.

RECESS

On motion by Senator Barron, the Senate recessed at 9:47 a.m. to reconvene at 2:00 p.m., Tuesday, September 22, or upon call of the President.